



MINUTES

FORMAL MEETING OF CITY COUNCIL

Diamondhead, Mississippi
Council Chambers, City Hall
December 17, 2013
6:00 pm CST

I. Call to Order – Mayor Schafer called the meeting to order at 6:00 pm CST

1. **Invocation** – Councilmember Sislow
2. **Pledge of Allegiance** – Councilmember Rech
3. **Roll Call** – All Councilmembers were present
4. **Confirmation or Adjustment of the Agenda Order** – Councilmember LaFontaine motioned, seconded by Councilmember Knobloch, to accept the Agenda Order as presented. Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

II. Presentation Agenda

1. Council Comments

- a. Mayor Schafer announced the next regularly scheduled Council Meeting will be held at 6:00 pm CST on Tuesday, January 7, 2014 in Council Chambers located at 5000 Diamondhead Circle.
- b. Councilmember LaFontaine stated Hancock County Solid Waste Authority will be seeking bids for a new contract and the next meeting is January 7, 2014 at 2:00 pm CST.

2. City Manager Report

- a. Voting elections will no longer be held at the Community Church. Future voting elections will take place in the activity center at City Hall located at 5000 Diamondhead Circle.
- b. A street light map will be available Thursday afternoon, December 19, 2013, in efforts to improve lighting in Diamondhead.
- c. Due to the season change, Public Works has transitioned from grass cutting to ditch cleaning. Paving projects are planned to start in the next 30 days.
- d. Three staff attended a class and became ICS300 Certified (FEMA class for the Incident Command System) last week.
- e. A Customer Service Training will be given to staff Wednesday morning, December 18, 2013.
- f. The 2014 Diamondhead Events Calendar will be posted on the website Wednesday, December 18, 2013.
- g. The Police ammunition is now located at the Hancock County Sheriff's Office. Procedures are put in place to account for and inventory the ammunition every three months.
- h. The City Clerk was recognized and gave an update on the City's Sales Tax Status. She stated the Department of Revenue business list used to calculate the monthly distribution is not current. She and others are working with the state to resolve the matter and possibly recoup back taxes owed to the city, as a result of the discrepancy.
- i. The City will be closed Tuesday, December 24, 2013 and Wednesday, December 25, 2013 to observe the Christmas Holiday.

Councilmember LaFontaine requested the status of Dairy Queen Road. The City Attorney stated he hasn't received any information from the owner of the property. He will have something to report at the next meeting.

3. Police Report

- a. Captain Al Hermann was recognized and gave a report on recent police activity.
- b. Councilmember Knobloch stated he issued an e-blast and made a Facebook post regarding the procedure for emergency vs. non-emergency calls. Councilmember Sislow will request the same procedure be printed in the POA News Letter.

4. Public Comments on Agenda Items limited to 3 minutes per person – NONE

5. Presentations

- a. MDOT Presentation regarding Exit 16 – Kelly Castelberry, of MDOT, was recognized. He stated MDOT is aware of the congestion problem at Exit 16. A traffic study was conducted prior to the incorporation of Diamondhead. MDOT postponed taking action at the time due to potential zoning conflicts with the new city. He presented two proposals to improve the congestion:
 - 1. **Short Term** – From 3:30 PM TO 5:30 PM on weekdays, traffic entering the I-10 exit from the West would be forced to make a right turn, go around the south side circle, and then drive over the I-10 overpass. Doing this would prevent traffic from backing up on I-10. Signage and barricades would be provided by MDOT.
 - 2. **Long Term** – A study is needed to devise a solution and create a design plan. Funding sources would have to be identified. This process would take 18-24 months. Estimated time for construction is 24 months with total project completion to be in 36 months.

Councilmember Sislow asked Captain Al Hermann his thoughts on the Short Term Proposal. Captain Hermann stated there's potential for accidents on Yacht Club Drive due to the 35 mph speed limit on the overpass.

Mayor Schafer requested the proposal in writing from Mr. Castelberry.

- b. Mayor Schafer presented a MS Department of Environmental Quality Proposal. Possible funding or adoption is available to enhance Diamondhead's natural resources and promote Economic Development, Drainage, Stream and Ditch Restoration. Diamondhead would benefit from the funding or plan adoption. A private firm may directly receive the funds and provide the services.

III. Policy Agenda

- 1. **Approval of Minutes** - Upon motion by Councilmember Lopez, seconded by Mayor Schafer, to accept the 12/3/13 and 12/10/13 minutes as presented. Councilmember LaFontaine abstained from approving the 12/10/13 minutes due to his absence at the meeting.

Upon discussion, Councilmember Lopez and Mayor Schafer withdrew their motion to approve the 12/3/13 and 12/10/13 minutes as presented.

Upon motion by Councilmember LaFontaine, seconded by Councilmember Sislow, to accept the 12/3/13 minutes as presented. Ayes: Lopez, LaFontaine, Knobloch, Sislow, Rech and Mayor Schafer. Nay's none.

Upon motion by Councilmember Rech, seconded by Councilmember Sislow, to accept the 12/10/13 minutes as presented. Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nay's none. Councilmember LaFontaine abstained due to his absence at the meeting.

- 2. **Code enforcement hearings/resolutions/actions**

Item No. 2013-3052 - Resolution No. 79

RESOLUTION OF THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF DIAMONDHEAD FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PARCELS OF LAND ARE IN SUCH A STATE OF UNCLEANLINESS AS TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND AUTHORIZING ADVERTISEMENT FOR BIDS TO HAVE LAND CLEANED AND TO ASSESS THE COSTS TO THE SAID PROPERTIES.

- a. Ronald Jones, City Building Official, was recognized and gave a brief synopsis of the procedural process of MS Statute Section 21-19-11. The statute gives a local jurisdiction authority to clean

property and have the costs associated with the clean-up as a lien on the property. The City received a complaint from a citizen regarding the property at 6838 Apona Street. The property owner is Matthew Hensel from Norman, Oklahoma. Proper notice was given to the property owner through certified mail in accordance with Section 21-19-11. Ms. Tisdale, Attorney, stated the City received the return receipt card from the Post Office.

Mr. Jones instructed the Mayor and City Council that a "hearing" had to be held for the property owner to receive comments.

The next step would be to consider the resolution to declare the property in such a state of uncleanliness that it is a menace to the public health, safety and welfare. The resolution gives authority to advertise for bids to have the property cleaned, authority to have the costs of cleaning the property as a lien on the property and allows the Building Official authority to enter the property not more than 5 times during a calendar year to clean the property, if necessary, when posted.

The next step will be to advertise twice in the newspaper and open bids. At the January 21, 2014 City council meeting, a resolution will be presented to award a bid. Upon award, the contractor will typically have 30 days to complete the work. Paper work will be issued to Hancock County to place a lien on the property. All legal requirements for the hearing have been completed.

- b. The hearing was held. Councilmember Knobloch called Mr. Hensel's name 3 times. Mr. Hensel was not present and the hearing was closed.
- c. Councilmember Sislow motioned, seconded by Councilmember LaFontaine, to approve Resolution-2013-079: **RESOLUTION OF THE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF DIAMONDHEAD FINDING AND ADJUDICATING THAT THE HEREIN DESCRIBED PARCELS OF LAND ARE IN SUCH A STATE OF UNCLEANLINESS AS TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND AUTHORIZING ADVERTISEMENT FOR BIDS TO HAVE LAND CLEANED AND TO ASSESS THE COSTS TO THE SAID PROPERTIES.**

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

- d. Councilman Knobloch asked Mr. Jones what would be the next step if right of entry is not obtained. Mr. Jones replied that an inspection warrant could be obtained through the municipal judge. This would give the Building Official the right to enter the property and structures. After the inspection, the Building Official would have to report back to the municipal judge of his findings.

3. Resolutions

Item No. 2013-3053 - Resolution No. 80

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI TO ACQUIRE, BY DONATION, CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY FROM DONOR, PURCELL COMPANY, INC.

Councilmember LaFontaine motioned, seconded by Councilmember Sislow, to approve Resolution-2013-080: **RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI TO ACQUIRE, BY DONATION, CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY FROM DONOR, PURCELL COMPANY, INC.**

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

IV. Routine Agenda

- 1. Docket of Claims
- 2. Revenue and Expense Report – November 2013

Councilmember Rech motioned, seconded by Councilmember Lopez, to approve the Docket of Claims and the November 2013 Revenue and Expense Report as presented.

Ayes: Mayor Schafer, Lopez, LaFontaine, Knobloch, Sislow and Rech. Nay's none.

V. Public Comments on Non Agenda Items limited to 3 minutes per person – NONE

EXECUTIVE SESSION

Councilmember Sislow moved, seconded by Councilmember Rech, to go into closed session to discuss the need to go into Executive Session. The motion carried unanimously to go into Closed Session at 7:04 pm CST.

Councilmember Sislow moved, seconded by Councilmember Rech, to go into Executive Session to discuss personnel issues and potential litigation matters. The motion carried unanimously.

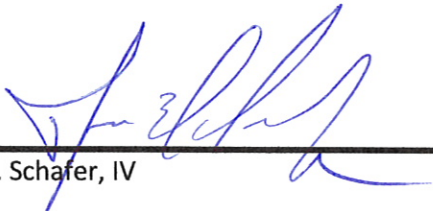
Councilmember Rech moved, seconded by Councilmember Sislow, to come out of Executive Session. The motion carried unanimously.

Councilmember Rech moved, seconded by Councilmember Sislow, to return to the Regular meeting. The motion carried unanimously to return to the Regular meeting at 8:06 am CST.

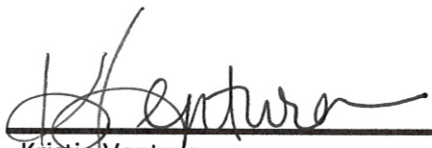
RETURN TO REGULAR SESSION

The City Attorney announced a personnel issue and potential litigation was discussed in Executive Session and no official action was taken.

VI. Adjourn - Councilmember Lopez motioned, seconded by Councilmember Sislow, to adjourn the meeting at 8:12 pm CST. The motion carried.



Thomas E. Schafer, IV
Mayor



Kristin Ventura
City Clerk

